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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/815,312      | 03/22/2001  | Susan Bumgardner Cirulli | END9 2000 0176 US1  | 4659             |

44755 7590 02/17/2005

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EXAMINER

BACKER, FIRMIN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3621

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/815,312

Applicant(s)

CIRULLI ET AL.

Examiner

Firmin Backer

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **Response to Request for Reconsideration**

This is in response to a request for reconsideration file November 10<sup>th</sup>, 2004. Claims 1-26 are being reconsidered in this action.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claimss1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Felkey et al (U.S. PG Pub 2002/0161667) in view of Nicastro et al (U.S. Patent No. 2004/0015367).

3. As per claims 1, 7-15 and 21-26, Felkey et al teach a method for providing procurement services to a plurality of customer companies, comprising establishing a user profile for each person authorized by a customer company to access the procurement services including a vendor catalog, a blanket order procurement contract for goods or services, a user profile table, costs centers, and accounting general ledger codes with company group specific accounting rules and defaults, associating each the company with a company group of related companies, the user profile specifying for each the user a user company and company group, providing for each procurement resource to be shared among the users a resource profile specifying for each resource those the companies to have access to the procurement resource; and responsive to the

Art Unit: 3621

user profile and the resource profiles, controlling user access to the procurement resources (*see abstract, figs 1, 2, 4, 5a-6a, paragraphs 0012, 0015, 0037, 0046, 0047, 0064, 0051, 0058, 0088*).

Felkey et al fail to teach an inventive concept of providing common code defining workflow components common to all companies within the company group including accounting validation and approval processing. However, Nicastro et al teach an inventive concept of providing common code defining workflow components common to all companies within the company group including accounting validation and approval processing (*see paragraph 0153*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Felkey et al to include Nicastro's inventive concept of providing common code defining workflow components common to all companies within the company group including accounting validation and approval processing because this would have provide a more efficient system.

4. As per claims 2 and 16, Felkey et al teach a method further comprising providing the procurement resources in a front-end catalog and requisition server (*see abstract, figs 1, 2, 4, 5a-6a, paragraphs 0012, 0015, 0037, 0046, 0047, 0064, 0051, 0058, 0088*).

5. As per claims 3 and 17, Felkey et al teach a method further comprising receiving a user request from a first client browser to log in to the front-end server; responsive to the request, providing a user interface at the client browser only to procurement resources authorized by the user profile and the resource profiles (*see abstract, figs 1, 2, 4, 5a-6a, paragraphs 0012, 0015, 0037, 0046, 0047, 0064, 0051, 0058, 0088*).

6. As per claims 4 and 18, Felkey et al teach a method further comprising receiving requests from a plurality of users authorized by different company groups to enter a requisition to a vendor with respect to the same catalog or contract resource; and generating separate purchase orders to the vendor with respect to requisitions originating with users from each the company group (*see abstract, figs 1, 2, 4, 5a-6a, paragraphs 0012, 0015, 0037, 0046, 0047, 0064, 0051, 0058, 0088*).

7. As per claims 5 and 19, Felkey et al teach a method further comprising the steps of: leveraging procurement buys from a plurality of company groups with respect to the same volume specific contract for goods or services (*see abstract, figs 1, 2, 4, 5a-6a, paragraphs 0012, 0015, 0037, 0046, 0047, 0064, 0051, 0058, 0088*).

8. As per claims 6 and 20, Felkey et al teach a method further comprising allowing the user to apply procurement charges to charge centers only within his company group (*see abstract, figs 1, 2, 4, 5a-6a, paragraphs 0012, 0015, 0037, 0046, 0047, 0064, 0051, 0058, 0088*).

### ***Response to Arguments***

9. Applicant's arguments filed November 10<sup>th</sup>, 2004 have been fully considered but they are not persuasive.

a. Applicant argues that the teaching Nicastro cannot properly be construed to teach company groups, as distinguished from a company and that Nicastro refers to "company" and "project" levels, meaning that budget codes are used which are defined either for a specific project or for use throughout the company (but this does not mean a collection of related companies forming a company group). Examiner respectfully disagrees with a Applicant's characterization of the prior art. Nicastro et al teach a Budget Tool provides the ability to track and display all cost related transactions within the system 1000 on a project-by-project basis. The budget transactions are managed and stored as a consecutive set of events, with associated values and sources. All cost related items within the system allow the allocation of a budget code and the application of the cost related information to be accumulated as transactions. The Budget Tool uses budget codes that can be defined at either the Company or Project level. The requirements or structure of a budget code number can be defined by the user. Budget codes can be tied to item specifications in the Item Specification Tool. This tool generates budget entries automatically from a number of system 1000 processes, such as purchase orders. These system-generated budget entries are created when the appropriate user in the purchase order approval chain approves a given purchase order. Manual entry is allowed for the following transaction types: original budget entry, revised budget entry, pending budget entry, commitment entry, revised commitment entry, pending commitment entry, actual cost entry, committed revenue entry, pending revenue entry, and revenue entry. A user can also create an "estimate to complete" entry and transfer funds from one budget code to another (*paragraphs 0153*). Applicant argues this teaching cannot be construed to teach a

company group as distinguished from a company. Examiner respectfully disagrees with applicant characterization of this teaching. The budget codes that use in the project level throughout the company which can be also a group of companies within a company.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

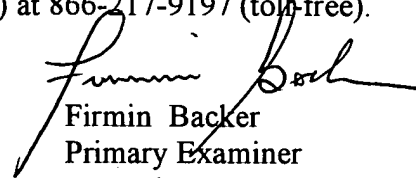
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Primary Examiner  
Art Unit 3621

February 14, 2005